

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2434**

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**Introduced by Assembly Member Hernandez**

February 19, 2010

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An act to amend Section 52240 of, *and to add Section 52245 to*, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2434, as amended, Hernandez. Advanced placement program.

~~Existing~~

(1) *Existing* law contains legislative findings and declarations stating that advanced placement courses, among other things, help to improve the overall curriculum at schools where they are provided and provide a cost-effective means for high school pupils to obtain college-level coursework experience. Existing law states the intent of the Legislature to provide financial assistance to economically disadvantaged pupils for the payment of advanced placement examination fees.

This bill would *require school districts maintaining any of grades 9 to 12, inclusive, to offer advanced placement courses in science and mathematics at each high school that did not offer any advanced placement courses during the 2011–12 school year, thereby imposing a state-mandated local program. The bill would state the intent of the Legislature that, if an advanced placement teacher is not available or if fewer than 10 pupils would be enrolled in any given advanced placement course, a school district consider alternative means of providing advanced placement courses. The bill would authorize these alternative means to include high-quality online advanced placement courses that meet specified requirements. The bill also would make*

technical, nonsubstantive changes in the provision of *legislative intent* described above.

*(2)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 52240 of the Education Code is amended  
2     to read:  
3     52240. (a) The Legislature hereby finds and declares all of the  
4     following:  
5         (1) Advanced placement courses, for which school credit is  
6     awarded, provide rigorous academic coursework opportunities for  
7     high school pupils and help to improve the overall curriculum at  
8     schools where those courses are provided.  
9         (2) The successful completion of advanced placement courses  
10    and the subsequent advanced placement examinations, which are  
11    conducted by the College Entrance Examination Board and for  
12    which college credit is awarded, provide a cost-effective means  
13    for high school pupils to obtain college-level coursework  
14    experience.  
15         (3) To the extent that economically disadvantaged pupils are  
16    provided financial assistance to take advanced placement  
17    examinations, they will be provided with successful college-level  
18    experience and be encouraged to pursue postsecondary education  
19    opportunities.  
20         (b) It is the intent of the Legislature, therefore, that certain state  
21    funding that currently is provided to school districts be made  
22    available to provide financial assistance to economically  
23    disadvantaged pupils for the payment of advanced placement  
24    examination fees. It is further the intent of the Legislature that a  
25    competitive grant program also be established for the purpose of

1 awarding grants to economically disadvantaged pupils to cover  
2 the costs of advanced placement examination fees, thereby creating  
3 a second source of financial assistance for economically  
4 disadvantaged pupils taking advanced placement examinations.

5 *SEC. 2. Section 52245 is added to the Education Code, to read:*

6 *52245. (a) Commencing with the 2012–13 school year, a*  
7 *school district maintaining any of grades 9 to 12, inclusive, shall*  
8 *offer advanced placement courses in each of the following areas*  
9 *of study at each high school in the district that did not offer any*  
10 *advanced placement courses during the 2011–12 school year:*

11 *(1) Mathematics.*

12 *(2) Science.*

13 *(b) If an advanced placement teacher is not available or if fewer*  
14 *than 10 pupils would be enrolled in any given advanced placement*  
15 *course, it is the intent of the Legislature that school districts*  
16 *consider alternative means of providing advanced placement*  
17 *courses. Alternative means may include, but are not limited to,*  
18 *high-quality online advanced placement courses.*

19 *(c) For purposes of this section, a high-quality online advanced*  
20 *placement course means a course that meets all of the following*  
21 *requirements:*

22 *(1) The course is approved by the governing board of the school*  
23 *district, and is certified through board resolution, to meet the*  
24 *requirements of this section.*

25 *(2) The course contains identical subject matter to, and has the*  
26 *same test schedule as, the classroom-based course.*

27 *(3) The course is offered by a high school. A school district*  
28 *offering an online course may contract with another school district*  
29 *to provide the online course also to pupils of the other school*  
30 *district. Contract terms shall be determined by mutual agreement*  
31 *of the school districts. A school district that provides online*  
32 *advanced placement courses pursuant to the contract shall contract*  
33 *directly with the other school district and shall not enter into direct*  
34 *contracts with the pupils of the other school district.*

35 *(4) The course is taught by an instructor who meets the following*  
36 *requirements:*

37 *(A) The instructor is accessible to the pupil on a daily basis to*  
38 *respond to pupil queries, assign tasks, and dispense information,*  
39 *though the instructor's interaction with the pupil may be*  
40 *asynchronous in nature.*

1 (B) The instructor holds the appropriate subject matter  
2 credential.

3 (C) The instructor concurrently teaches the same course to  
4 pupils in a classroom-based setting in the school district, or did  
5 so at any time within the immediately preceding two-year period.

6 (d) For purposes of online advanced placement courses offered  
7 pursuant to subdivision (b), all of the following shall apply:

8 (1) For each participating school, the ratio of full-time  
9 equivalent certificated teachers to pupils shall be substantially  
10 equivalent for online advanced placement courses and  
11 classroom-based advanced placement courses.

12 (2) Statewide testing results for online advanced placement  
13 pupils shall be reported to the school district in which the pupil  
14 is enrolled for classroom-based courses.

15 (3) The school district of a schoolsite that offers online advanced  
16 placement courses pursuant to this section shall verify that pupils  
17 take examinations by proctor or that other reliable methods are  
18 used to ensure test integrity.

19 (4) The school district of a schoolsite that offers online advanced  
20 placement courses pursuant to this section shall ensure that the  
21 same methods of documentation and assessment used to record  
22 pupil work for classroom-based courses are used for online  
23 courses.

24 (5) The school district of a schoolsite that offers online advanced  
25 placement courses pursuant to this section shall maintain records  
26 to verify the time that pupils and instructors spend online and  
27 involved in course-related activities.

28 (6) A pupil shall not be assigned to an online course advanced  
29 placement pursuant to this section unless he or she voluntarily  
30 elects to participate. Prior to participation, the pupil's parent or  
31 guardian shall provide written consent.

32 SEC. 3. If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.